

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

(1) GEORGE COLLINS and)	
(2) ALRIKA COLLINS,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 22-cv-00318-RAW-JAR
)	
(1) STATE FARM FIRE AND)	
CASUALTY COMPANY,)	
)	JURY TRIAL DEMANDED
Defendant.)	
)	

**STATE FARM FIRE AND CASUALTY COMPANY’S MOTION TO
STRIKE THE EXPERT REPORT OF DUANE SMITH AND
SUPPLEMENTAL REPORT OF CHAD WILLIAMS**

COMES NOW Defendant State Farm Fire and Casualty Company (“State Farm”), by and through its attorneys of record, J. Andrew Brown and Andrew G. Wakeman, of the law firm of Atkinson, Brittingham, Gladd, Fiasco & Edmonds of Tulsa, Oklahoma, and pursuant to Fed. R. Civ. P. 26(a)(2)(D), hereby files State Farm’s Motion to Strike the Expert Report of Duane Smith and Supplemental Report of Chad Williams. In support thereof, State Farm states as follows:

1. On May 26, 2023, this Court entered an Amended Scheduling Order. [Dkt. No. 34].
2. Pursuant to the Amended Scheduling Order, Plaintiffs’ Expert Reports were due on June 14, 2023, and State Farm’s Expert Reports were due on June 23, 2023.
3. On June 14, 2023, Plaintiffs filed Plaintiffs’ Expert Disclosures with this Court. [Dkt. No. 38].
4. On June 23, 2023, State Farm filed the Expert Report of Derek VanDorn. [Dkt. No. 39].
5. On October 10, 2023, this Court entered a Second Amended Scheduling Order. [Dkt. No. 50].

6. Pursuant to the Second Amended Scheduling Order, Plaintiffs were required to submit Expert Reports on November 10, 2023.

7. On November 13, 2023, Plaintiffs filed their Amended Expert Disclosures, out of time, without seeking permission from opposing counsel or leave of this Court. [Dkt. No. 51].

8. Plaintiffs' Amended Expert Disclosures named a new expert, Duane Smith, who Plaintiffs contend is their damages expert. [Dkt. No. 51, p. 3].

9. Plaintiffs' Amended Expert Disclosures also sought to provide a new Supplemental Expert Report for Chad Williams. [Dkt. No. 51, p. 3-4].

10. Pursuant to Fed. R. Civ. P. 26(a)(2)(D), a party must make these disclosures at the times and in the sequence that the court orders.

11. The Expert Report of Plaintiffs' new expert, Duane Smith, and the Supplemental Expert Report of Chad Williams should be stricken for being filed out of time.

WHEREFORE, Defendant State Farm Fire and Casualty Company respectfully requests this Court enter an order striking the Expert Report of Duane Smith and the Supplemental Expert Report of Chad Williams for being filed out of time.

Respectfully submitted,

**ATKINSON, BRITTINGHAM,
GLADD, FIASCO & EDMONDS**
A PROFESSIONAL CORPORATION

/s/ J. Andrew Brown

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CERTIFICATE OF SERVICE

I hereby certify that on the ____ day of November, 2023, I electronically transmitted the attached document to the Clerk of the Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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/ s/ J. Andrew Brown